

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)

Establishment of a Class A
Television Service)

MM Docket No. 00-10 ✓
MM Docket No. 99-292
RM 9260

To: The Commission

COMMENTS OF ROBERTS BROADCASTING OF ALABAMA, LLC

Roberts Broadcasting of Alabama, LLC ("Roberts"), by its attorneys, submits herewith its comments in response to the Commission's Notice of Proposed Rule Making¹ to implement the Community Broadcasters Protection Act of 1999² and to prescribe regulations establishing a Class A television service for qualifying low power television ("LPTV") stations. Roberts is a minority-owned broadcaster that owns and operates two LPTV stations serving the Mobile, Alabama – Pensacola, Florida Designated Market Area. Roberts urges the Commission to exercise the discretion afforded to it by Congress and adopt clear alternative Class A eligibility criteria for LPTV stations.

Recognizing the uncertain future of LPTV stations as a result of their secondary status and the onset of the digital conversion, Congress enacted the CBPA to assist existing LPTV stations, that can demonstrate that they provide valuable programming to their communities, in maintaining commercial viability. The CBPA provides that an LPTV station may qualify for

¹ *Establishment of Class A Television Service, Notice of Proposed Rule Making* in MM Docket Nos. 00-10, 99-292, FCC 00-16 (rel. Jan. 13, 2000) ("Notice").

² Community Broadcasters Protection Act of 1999, Section 5008 of Pub. L. No. 106-113, 113 Stat. 1501 (1999), Appendix I (*codified at* 47 U.S.C. § 336(f)) ("CBPA").

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Class A status if, during the ninety days preceding the date of enactment of the statute, the station (1) broadcast a minimum of 18 hours per day; (2) broadcast an average of at least 3 hours per week of locally produced programming; (3) complied with the Commission's requirements for LPTV stations; and (4) from and after the date of its application for a Class A license, the station is in compliance with the Commission's rules for operating a full-power television station. In addition to these qualifying criteria, Congress authorized the Commission to adopt alternative criteria for Class A status. The *Notice* solicited comments on what those alternative criteria should be.

Certain applicants for Class A status that were unable to meet one of the first two eligibility criteria set forth in the *Notice* ("Programming Requirements") should be afforded an opportunity to obtain the protections Congress intended. These alternative track applicants would have to demonstrate that despite their failure to meet the Programming Requirements of the *Notice*, they are otherwise deserving of Class A status. Clear demonstration by applicants of favorable characteristics, such as (1) new entrant status;³ (2) minority or woman ownership or control; (3) commitment to community development; or (4) commitment to locally produced programming that (a) specifically serves an underserved community or (b) focuses on civic, religious or educational themes, would enable such applicants to qualify for Class A status under the alternative criteria.

Robert's LPTV stations are designed to function as community-based stations that provide local people and advertisers the opportunity to be on television. In addition, the Robert's stations provide employment and training opportunities within their communities and air unique programming intended to be responsive to the needs of local underserved communities. Roberts

³ New entrants would be defined as LPTV stations owned or controlled by entities that have two or fewer television broadcast stations (including full-power and low power) located in that Class A applicant's Designated Market Area.

believes that LPTV stations that are able to demonstrate their ability to promote diversity of ownership and/or programming within television broadcasting are deserving of Class A status, if they meet at least one of the two Programming Requirements set forth in the *Notice*.

Accordingly, Roberts urges the Commission to adopt clear, straight-forward alternative eligibility criteria that will provide protection to LPTV stations that promote diversity and are committed to their communities.

Respectfully submitted,

ROBERTS BROADCASTING OF ALABAMA,
LLC

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